

## SPRING-RICE ASKS APPAM'S RELEASE

Lodges Formal Request, but Lansing's Mind Is Made Up.

## SHIP MAY STAY AS GERMAN PRIZE

Britain Never Signed The Hague Stipulation Which She Now Invokes.

(From The Tribune Bureau) Washington, Feb. 4.—Though no ruling has been announced, the State Department practically has decided to permit the Appam to remain under American protection, as German property, until the end of the war. It is the opinion of many officials that no other course could be chosen in view of the Prussian-American treaties.

In the name of the British owners of the Appam, Sir Cecil Spring-Rice, the British Ambassador, lodged to-day with the State Department a formal request that the ship be turned over to the British Consul under the terms of the Hague convention.

Notice also was served that it would be in violation of international law if the United States permitted the German prize commander of the Appam either to increase the efficiency of that ship, to add to his offensive power, or to recruit his crew. As Lieutenant Berg has only twenty-two men in his prize crew, a number insufficient to navigate a vessel as large as the Appam, compliance with the British suggestion on the latter point alone would effectively prevent the departure of the Appam from Newport News.

Alabama Case a Precedent.

With the Alabama case as a precedent, the British contention is that any changes either in equipment or personnel of the Appam which would even in a limited degree give her offensive power and enable her to prey on British commerce would be a violation of law for which the United States would be held responsible.

The Prussian-American treaties permit German prizes to "come or go freely" in American ports, and provide that no legal action of any kind can be brought against the vessels while they are in American waters. This stipulation prevents the United States from using any peaceful means of compelling departure.

The British government, it is believed by State Department authorities, has no ground for contention that the Appam should be obliged to put to sea, with the certainty of recapture by British port authorities. Great Britain has not ratified the Hague convention which prescribes this procedure, and therefore, it is held, has no right to invoke it. The general principles of international law which the Hague convention is held to epitomize are set aside in the present instance by the specific treaty with Prussia according to Secretary Lansing's interpretation of the treaties as applied to the Frye case.

In the Frye controversy, Secretary Lansing held that although Germany was justified in international law in sinking the Frye, she was specifically bound by treaty not to do so. The general principle was laid down that when treaties are at variance with international law the treaties are to be followed, and not the more general principles.

Crystallized Pre-existing Law.

Although the British government did not finally ratify the Hague treaty governing the conduct of naval warfare, it is held that most of that convention, and especially the article under which the release of the Appam is demanded, is only a crystallization of principles of international law in existence before the conventions were drawn and generally accepted since.

In evidence of its observance of the principle of denial to belligerents of the right of sequestration of prizes in neutral ports, the British government points to the Queen's proclamation of June 1, 1861, issued at the outbreak of the Civil War when Confederate privateers were preying freely upon the commerce of the Northern states. The British government refused such prizes entry into British ports, which Secretary Seward declared to be "the death blow of privateering."

The British contention also is that the old Prussian treaty of 1828 is obsolete, nevertheless there was no contention to-night that the State Department would alter its view that the Prussian treaty guarantees the prize to Germany. Secretary Lansing declared that the only point to be cleared up was how long, under the treaty, the Appam would be permitted to remain in an American port.

## 9 MORE GERMAN RAIDERS AT SEA

Continued from page 1

Leave Monday on the Noordam. The captured crews were marshaled by the British consul to the Seamen's Church Institute.

There was one young woman on board for whom every passenger had a kind word. She had the distinction of being the only one of them all for whom Lieutenant Berg and his German crew would allow a deviation from the rice and cheese diet on the Appam, whose regularity made even the returning missionary from Africa want to weep.

Nobdy's Business," says Berg. The question of the raiders' identity, he declared, was one on business.

In another way the President's trip has actually hurt him. He has known for some time that his chief danger in the coming campaign has been from the policy advocated by Colonel Roosevelt. The President's answer is that Roosevelt is an extremist; that he demands far more than reason can approve. But since the President's own program has shown the same strain during his speeches in the West, culminating in the St. Louis pronouncement that the American navy should be "incomparably the strongest in the world," it will be difficult to use any such argument against the Colonel. Wilson will be left as a follower in the Colonels' very footsteps. And the Democrats are leaving the reservation with impunity, and defy the President to do anything about it. He has turned to the country for support, and most of it is coming from the Republican Representatives who need it.

In another way the President's trip has actually hurt him. He has known for some time that his chief danger in the coming campaign has been from the policy advocated by Colonel Roosevelt. The President's answer is that Roosevelt is an extremist; that he demands far more than reason can approve. But since the President's own program has shown the same strain during his speeches in the West, culminating in the St. Louis pronouncement that the American navy should be "incomparably the strongest in the world," it will be difficult to use any such argument against the Colonel. Wilson will be left as a follower in the Colonels' very footsteps. And the Democrats are leaving the reservation with impunity, and defy the President to do anything about it. He has turned to the country for support, and most of it is coming from the Republican Representatives who need it.

"The Germans didn't bother their heads about us," said Mrs. Riley. "Little Emile had come without milk for nearly a day, but then we got some from the steward and nobody made any objection to our getting it from him regularly after that."

A plaintive mew from a basket in the berth announced a fourth member in the little party.

"Dear me, I almost forgot Blackie," said Mrs. Riley, seemed quite distressed. "We brought her all the way from Africa. Some of the Germans said they wanted her, but we wouldn't give her up." She opened the basket a little way, and out peeked a tiny black and white kitten, which had shared with the baby the honors of being the pet of the

Only one of the British navy men who were passengers on the Appam was allowed to remain on the ship. This was Sub-Lieutenant J. H. Howell, who had been invalided home while doing land service in Africa. Lieutenant Howell car-

ried a heavy pair of crutches when he landed last night. He said that he had almost been transferred to the raider, but was finally allowed to remain, on account of his wounds.

Sir Cecil Spring-Rice and Lady Meriwether were not at the pier by friends, who took them to the Netherlands during their brief stay in New York. He is Governor of Sierra Leone.

The officers and seamen of the ships captured by the raider were welcomed at the Seamen's Church Institute by Dr. A. R. Mansfield, superintendent. The ships represented were the Trader, Author, Cambridge, Irladine, Dromedary and Farrington. Nearly all then agreed that the raider was the steamer Ponga, built at Bremerhaven for the fruit trade.

Wifred Roberts, chief engineer on the Author, told of the hardships suffered on the Ponga.

"We were kept below under an armed guard," he said. "We could only tell of the attacks on other ships by the fire firing above. Every minute we expected to have a shell come crashing into the ship."

"We had nothing to eat but black bread, butter, and tea without sugar in it. Our only chance to take bath was in a tub made from a cask sawed in two. This was used by more than 200 men, and that, with the awful ventilation, made our stay almost hellish."

"The night that Sir Meriwether was brought back to the Appam after being kept on the raider several days, the bullet on the Elder Dempster boat was transferred to the Ponga. We did not know how much there was."

"During our trip on the Appam we fixed up a plan to seize the ship from our captors. You can imagine we're going to let them take it so easily. But there were bounds on each side of the bridge, and they were lowered and exploded in case of mutiny, and many placed below, and many of the men hesitated in starting anything. By the time our plot was ready we were nearing the Virginia Capes, so nothing happened."

The British Consul General announced that the captured crews will be sent back on the White Star liner Baltic on Wednesday.

## WOUNDED WARRIOR SUED FOR DIVORCE

A. H. Burling, of French Foreign Legion. Returned Here with Nurse for Rest.

(By Telegraph to The Tribune)

Philadelphia, Feb. 4.—Half an hour after his release from the Camden County prison, Arthur H. Burling, a graduate of the University of Pennsylvania, member of a society prominent Philadelphia family, who recently returned from the battlefields of Northern France, where he was seriously wounded, was this afternoon served with divorce papers.

Burling was arrested on January 23 at Gloucester, accused of threatening to shoot United States immigration officers. He was interred in the hospital half of a young English nurse who had accompanied him from the Atlantic.

English prosecution to prevent the young friend staying here was removed by masters of incoming ships. They said they saw a torpedo destroyer cruising off the Virginia Capes close to the three-mile limit last night. She was exchanging Arctic signals with a larger ship, half down on the horizon. The large craft is supposed to be a cruiser.

The conference of Collector Hamilton and Prince Hatzfeldt and Lieutenant Berg this morning was marked by tone of the friction that attended yesterday's meeting. The prince took full sway in the negotiations, and while he was firm in his declaration of Germany's position he was much more diplomatic than he or Berg had been earlier in the week. He was particularly insistent that by appearances at least, the lie be given to reports of trouble. With the Collector, he posed in the aerial service.

"I'll not contest the divorce," said Burling. "I am going back to Europe to live. I am still a member of the French Foreign Legion and will take my place in the service."

Burling is a soldier of fortune, by his own statement. Arriving at Liverpool last winter he enlisted, and for a time was engaged in the British Home Aerial Corps. After seeing several Zeppelin raids on London he went to France and joined the Foreign Legion.

After being seriously wounded he had been in the second battle of Amritsar, and was taken to a hospital in Plymouth. The young woman who accompanied him to this country, he said, was a nurse in the hospital. She cared for him during the journey to this country.

Mrs. Florence S. Burling, his wife, lives with her mother at 276 South Twenty-third Street. She has not lived with her husband for some time. They have a daughter.

## DEFENCE GAINS HURT WILSON

Continued from page 1

A few Republicans against it, but unless there is a far greater change than now seems possible, the vote in Congress and the party platforms will show that the Republican party is, as it has been for years, the one most strongly favoring adequate defense.

Thus the President, while he has gained strength for preparedness by his trip, has not gained it all.

His appeal has shown that he may be a danger on the stump, and his prestige is thus largely increased. But his hold on Congress is not yet, nor his leadership.

"Who will vote for a President that has to go to the other party to get things done?" asked a Republican leader to-day. "Wilson has got to run his own party if he wants to be President again."

Wilson's trip has not made him a popular leader. The Democrats here are not afraid of him, either as a popular leader or as a party disciplinarian.

The veneration for the Bryan tradition persists here—the Commoner's little finger is yet mighty among the politicians. The Democrats are leaving the reservation with impunity, and defy the President to do anything about it. He has turned to the country for support, and most of it is coming from the Republican Representatives who need it.

In another way the President's trip has actually hurt him. He has known for some time that his chief danger in the coming campaign has been from the policy advocated by Colonel Roosevelt. The President's answer is that Roosevelt is an extremist; that he demands far more than reason can approve. But since the President's own program has shown the same strain during his speeches in the West, culminating in the St. Louis pronouncement that the American navy should be "incomparably the strongest in the world," it will be difficult to use any such argument against the Colonel. Wilson will be left as a follower in the Colonels' very footsteps. And the Democrats are leaving the reservation with impunity, and defy the President to do anything about it. He has turned to the country for support, and most of it is coming from the Republican Representatives who need it.

"The Germans didn't bother their heads about us," said Mrs. Riley. "Little Emile had come without milk for nearly a day, but then we got some from the steward and nobody made any objection to our getting it from him regularly after that."

A plaintive mew from a basket in the berth announced a fourth member in the little party.

"Dear me, I almost forgot Blackie," said Mrs. Riley, seemed quite distressed. "We brought her all the way from Africa. Some of the Germans said they wanted her, but we wouldn't give her up." She opened the basket a little way, and out peeked a tiny black and white kitten, which had shared with the baby the honors of being the pet of the

## GERMANS YIELD APPAM'S MAIL

Wireless Also Comes Down in Obedience to U. S. Demand.

## BRITISH WARCRAFT WATCH FOR ROVER

American Officials Should Wear Uniforms, Says Lieutenant Berg's Spokesman.

By JOHN J. LEARY, Jr.

(By Telegraph to The Tribune)

Newport News, Va., Feb. 4.—Whether or not the Appam shall remain here, landed for destruction at the will of her German captors, or restored to the status of a peaceful merchantman, is a question the State Department must decide. In a formal declaration of Germany's position in the entire Appam matter submitted to Norman R. Hamilton, collector of the Port, to-day, Prince Hatzfeldt, counsellor of the Imperial Embassy, insisted on the right to retain the vessel as a prize. Hamilton, declining to pass on the matter, rushed a written statement of the German position to Washington for a ruling.

During our trip on the Appam we fixed up a plan to seize the ship from our captors. You can imagine we're going to let them take it so easily. But there were bounds on each side of the bridge, and they were lowered and exploded in case of mutiny, and many placed below, and many of the men hesitated in starting anything. By the time our plot was ready we were nearing the Virginia Capes, so nothing happened."

"During our trip on the Appam we fixed up a plan to seize the ship from our captors. You can imagine we're going to let them take it so easily. But there were bounds on each side of the bridge, and they were lowered and exploded in case of mutiny, and many placed below, and many of the men hesitated in starting anything. By the time our plot was ready we were nearing the Virginia Capes, so nothing happened."

"During our trip on the Appam we fixed up a plan to seize the ship from our captors. You can imagine we're going to let them take it so easily. But there were bounds on each side of the bridge, and they were lowered and exploded in case of mutiny, and many placed below, and many of the men hesitated in starting anything. By the time our plot was ready we were nearing the Virginia Capes, so nothing happened."

"During our trip on the Appam we fixed up a plan to seize the ship from our captors. You can imagine we're going to let them take it so easily. But there were bounds on each side of the bridge, and they were lowered and exploded in case of mutiny, and many placed below, and many of the men hesitated in starting anything. By the time our plot was ready we were nearing the Virginia Capes, so nothing happened."

"During our trip on the Appam we fixed up a plan to seize the ship from our captors. You can imagine we're going to let them take it so easily. But there were bounds on each side of the bridge, and they were lowered and exploded in case of mutiny, and many placed below, and many of the men hesitated in starting anything. By the time our plot was ready we were nearing the Virginia Capes, so nothing happened."

"During our trip on the Appam we fixed up a plan to seize the ship from our captors. You can imagine we're going to let them take it so easily. But there were bounds on each side of the bridge, and they were lowered and exploded in case of mutiny, and many placed below, and many of the men hesitated in starting anything. By the time our plot was ready we were nearing the Virginia Capes, so nothing happened."

"During our trip on the Appam we fixed up a plan to seize the ship from our captors. You can imagine we're going to let them take it so easily. But there were bounds on each side of the bridge, and they were lowered and exploded in case of mutiny, and many placed below, and many of the men hesitated in starting anything. By the time our plot was ready we were nearing the Virginia Capes, so nothing happened."

"During our trip on the Appam we fixed up a plan to seize the ship from our captors. You can imagine we're going to let them take it so easily. But there were bounds on each side of the bridge, and they were lowered and exploded in case of mutiny, and many placed below, and many of the men hesitated in starting anything. By the time our plot was ready we were nearing the Virginia Capes, so nothing happened."

"During our trip on the Appam we fixed up a plan to seize the ship from our captors. You can imagine we're going to let them take it so easily. But there were bounds on each side of the bridge, and they were lowered and exploded in case of mutiny, and many placed below, and many of the men hesitated in starting anything. By the time our plot was ready we were nearing the Virginia Capes, so nothing happened."

"During our trip on the Appam we fixed up a plan to seize the ship from our captors. You can imagine we're going to let them take it so easily. But there were bounds on each side of the bridge, and they were lowered and exploded in case of mutiny, and many placed below, and many of the men hesitated in starting anything. By the time our plot was ready we were nearing the Virginia Capes, so nothing happened."

"During our trip on the Appam we fixed up a plan to seize the ship from our captors. You can imagine we're going to let them take it so easily. But there were bounds on each side of the bridge, and they were lowered and exploded in case of mutiny, and many placed below, and many of the men hesitated in starting anything. By the time our plot was ready we were nearing the Virginia Capes, so nothing happened."

"During our trip on the Appam we fixed up a plan to seize the ship from our captors. You can imagine we're going to let them take it so easily. But there were bounds on each side of the bridge, and they were lowered and exploded in case of mutiny, and many placed below, and many of the men hesitated in starting anything. By the time our plot was ready we were nearing the Virginia Capes, so nothing happened."

"During our trip on the Appam we fixed up a plan to seize the ship from our captors. You can imagine we're going to let them take it so easily. But there were bounds on each side of the bridge, and they were lowered and exploded in case of mutiny, and many placed below, and many of the men hesitated in starting anything. By the time our plot was ready we were nearing the Virginia Capes, so nothing happened."

"During our trip on the Appam we fixed up a plan to seize the ship from our captors. You can imagine we're going to let them take it so easily. But there were bounds on each side of the bridge, and they were lowered and exploded in case of mutiny, and many placed below, and many of the men hesitated in starting anything. By the time our plot was ready we were nearing the Virginia Capes, so nothing happened."

"During our trip on the Appam we fixed up a plan to seize the ship from our captors. You can imagine we're going to let them take it so easily. But there were bounds on each side of the bridge, and they were lowered and exploded in case of mutiny, and many placed below, and many of the men hesitated in starting anything. By the time our plot was ready we were nearing the Virginia Capes, so nothing happened."

"During our trip on the Appam we fixed up a plan to seize the ship from our captors. You can imagine we're going to let them take it so easily. But there were bounds on each side of the bridge, and they were lowered and exploded in case of mutiny, and many placed below, and many of the men hesitated in starting anything. By the time our plot was ready we were nearing the Virginia Capes, so nothing happened."

"During our trip on the Appam we fixed up a plan to seize the ship from our captors. You can imagine we're going to let them take it so easily. But there were bounds on each side of the bridge, and they were lowered and exploded in case of mutiny, and many placed below, and many of the men hesitated in starting anything. By the time our plot was ready we were nearing the Virginia Capes, so nothing happened."

"During our trip on the Appam we fixed up a plan to seize the ship from our captors. You can imagine we're going to let them take it so easily. But there were bounds on each side of the bridge, and they were lowered and exploded in case of mutiny, and many placed below, and many of the men hesitated in starting anything. By the time our plot was ready we were nearing the Virginia Capes, so nothing happened."

</div